

Hearing Date: November 22, 2022 at 10:00 A.M.  
Objection Date: November 14, 2022

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

IN RE:

Melissa Mary Beck ) Bk. Case No. 21-11518-BLS  
Debtor ) Chapter 13

**MOTION TO DISMISS CHAPTER 13 BANKRUPTCY WITH PREJUDICE**

The Motion of Scott F. Waterman, Chapter 13 Trustee respectfully represents:

1. The Debtor commenced this case under Chapter 13 of the Bankruptcy Code on November 22, 2021 while there was still a 2 year bar in place from a prior Chapter 13 bankruptcy filing.
2. The debtor has filed four prior bankruptcy cases, either individually or jointly with a spouse, as follows:
  - (a) Case number 18-11997-BLS, Chapter 13, filed by Melissa Mary Beck aka Melissa Mary Cullen on September 4, 2018. The case was dismissed by the Court on September 25, 2018 due to the failure of debtor to timely file schedules.
  - (b) Case number 19-10232-BLS, Chapter 13, filed by Melissa Mary Beck aka Melissa Mary Cullen on February 6, 2019. The case was dismissed by the Court on March 4, 2019 due to the failure of debtor to timely file schedules.
  - (c) Case number 19-11193-BLS, Chapter 13, filed by filed by Melissa Mary Beck aka Melissa Mary Cullen on May 29, 2019. The case was dismissed by the Court on June 26, 2019 due to the failure of debtor to appear at the Rule to Show Cause hearing.
  - (d) Case Number 19-12288-BLS, Chapter 13, filed by Melissa Mary Beck aka Melissa Mary Cullen on October 28, 2019. The case was dismissed with Prejudice on the Trustee's Motion to Dismiss on November 26, 2019, barring debtor from filing another Bankruptcy case for two (2) years from the date of Dismissal Order. Notwithstanding that Order, the Debtor filed the instant petition prior to the expiration of the bar.
3. The instant petition was dismissed by this Court for filing while the bar was in place, but the dismissal was subsequently vacated. In addition, during the time the case was dismissed, the Debtor's real estate located at 37 Talley Lane, Dover, DE (the "Property") was sold at foreclosure by the secured creditor, Newrez LLC d/b/a Shellpoint Mortgage Servicing (the

“Creditor”). That sale was later deemed void by this Court after extended litigation and the Creditor was required to unwind the sale.

4. Debtor thereafter filed a First Amended Plan on or about June 24, 2022 that required a payment of \$1,224.29 in month one and then \$1,329.30 for the subsequent 59 months. The Creditor is the only party being paid through Debtor’s proposed plan.

5. To date, Debtor has only made one payment of \$1,225.00 and that payment was made in July, 2022, more than three (3) months ago.

6. At the confirmation hearing on September 19, 2022 a Pre-confirmation Order was entered requiring Debtor to pay \$2,657.89 by October 14, 2022 in addition to the October payment of \$1,329.30. Debtor was also required to file her 2017 state tax returns by that date. No payment was received by the Trustee. Trustee is not aware whether or not the state tax returns were filed as required.

7. Debtor has availed herself of the protections of the Bankruptcy Code without fulfilling her obligations thereunder. This has resulted in a delay that is unreasonable delay as defined by 11 U.S.C. § 1307(c)(1) by the above-captioned debtor.

8. After multiple continuances, the Debtor has failed to obtain Final Confirmation in this case and appears unable to do so. Further, upon information and belief, Debtor stopped communicating with her attorney, resulting in his withdrawal from the case, making the prospect of reorganization less likely.

9. Given Debtor’s repeated filings and her failure to make payments in this case despite filing almost a year ago, the Trustee believes, and therefore avers, that the within case should be dismissed with prejudice.

WHEREFORE, Scott F. Waterman, Esq., Standing Chapter 13 Trustee, respectfully requests that, pursuant to 11 U.S.C. Sections 105 and 1307, the Court enter an Order dismissing this case with prejudice and barring the debtor from filing another bankruptcy petition, either individually or jointly with a spouse, without prior leave of Court, for a period of two (2) years.

/s/ Scott F. Waterman  
Scott F. Waterman, Esquire  
Standing Chapter 13 Trustee  
2901 St. Lawrence Avenue, Suite 100  
Reading, PA 19606  
(610) 779-1313

Dated: October 26, 2022

Hearing Date: November 22, 2022 at 10:00 A.M.  
Objection Date: November 14, 2022

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

IN RE:

Melissa Mary Beck ) Bk. Case No. 21-11518-BLS  
Debtor ) Chapter 13

**ORDER**

**AND NOW, TO WIT**, this \_\_\_\_\_ day of \_\_\_\_\_, 2022, upon Notice and Hearing of Trustee's Motion to Dismiss,

**IT IS ORDERED**, that the Debtor's petition is hereby dismissed with prejudice, and the Debtor is barred for filing for bankruptcy relief for two (2) years of the date of this Order.

**IT IS FURTHER ORDERED**, should the Debtor file a Bankruptcy Petition, in any District, in violation of this Order, the automatic stay of 11 U.S.C. Section 362 shall not go into effect and such filing shall be deemed a nullity.

\_\_\_\_\_  
United States Bankruptcy Judge

Hearing Date: November 22, 2022 at 9:00 A.M.  
Objection Date: November 14, 2022

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

IN RE:

Melissa Mary Beck ) Bk. Case No. 21-11518-BLS  
Debtor(s) ) Chapter 13

**NOTICE OF HEARING**

**NOTICE IS GIVEN** that a hearing on the Chapter 13 Trustee's Motion to Dismiss the within Debtor(s) case is scheduled for **Tuesday, November 22, 2022 at 10:00 A.M.** in the United States Bankruptcy Court, District of Delaware, 824 Market Street, 6<sup>th</sup> Floor, Courtroom 1, Wilmington, Delaware.

**RESPONSES, if any, must be in writing and filed in the Clerk's Office, United States Bankruptcy Court, District of Delaware, 824 Market Street, 3rd Floor, Wilmington, Delaware 19801, and served upon the Chapter 13 Trustee, 2901 St. Lawrence Avenue, Reading, PA 19606, on or before November 14, 2022.**

**IF A RESPONSE IS NOT TIMELY FILED AND SERVED, THE CASE WILL BE DISMISSED WITHOUT FURTHER HEARING.**

/s/ Scott F. Waterman  
Scott F. Waterman, Esquire  
Standing Chapter 13 Trustee  
2901 St. Lawrence Avenue, Suite 100  
Reading, PA 19606  
(610) 779-1313

Dated: October 26, 2022

**ATTORNEY'S CERTIFICATE OF SERVICE**

I, Scott F. Waterman, Esquire, Chapter 13 Trustee of the within estate, do hereby certify that on this 26<sup>th</sup> day of October, 2022, I caused one copy of the within Notice of Hearing and Motion to Dismiss Chapter 13 Bankruptcy to be served by United States Mail, Postage Prepaid, to the following:

Melissa Mary Beck  
37 Tallowick Lane  
Dover, DE 19904  
Pro Se Debtor  
VIA EMAIL AND USPS

/s/ Scott F. Waterman  
Scott F. Waterman, Esquire  
Standing Chapter 13 Trustee  
2901 St. Lawrence Avenue, Suite 100  
Reading, PA 19606  
(610) 779-1313